

TITLE OF REPORT: Planning Appeals

REPORT OF: Paul Dowling, Strategic Director, Communities and Environment

Purpose of the Report

1. To advise the Committee of new appeals received and to report the decisions of the Secretary of State received during the report period.

New Appeals

2. There has been one new appeal lodged since the last committee:

DC/16/01182/FUL – Land at Ellison Terrace, Greenside, Ryton
Construction of three houses with parking area (amended 16/02/17 and 08/03/17
and description amended 14.03.2017).
This was a committee decision refused on 20 April 2017.

Appeal Decisions

3. There has been one new appeal decision received since the last Committee:

DC/16/01159/HHA – 15 Ambleside Gardens, Sheriff Hill
Two storey side extension.
This was a delegated decision refused on 10 March 2017.
Appeal dismissed on 25 September 2017.

Details of the decision can be found in **Appendix 2**

Appeal Costs

4. There have been no appeal cost decisions.

Outstanding Appeals

5. Details of outstanding appeals can be found in **Appendix 3**.

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

The subject matter of the report touches upon two human rights issues:

The right of an individual to a fair trial; and
The right to peaceful enjoyment of property

As far as the first issue is concerned the planning appeal regime is outside of the Council's control being administered by the First Secretary of State. The Committee will have addressed the second issue as part of the development control process.

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate



The Planning Inspectorate

Appeal Decision

Site visit made on 7 September 2017

by **Caroline Jones BA (Hons) DipTP MTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 September 2017

Appeal Ref: APP/H4505/D/17/3177032

15 Ambleside Gardens, Sheriff Hill, Gateshead NE9 6TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Nicola McPherson against the decision of Gateshead Council.
 - The application Ref DC/16/01159/HHA, dated 27 October 2016, was refused by notice dated 10 March 2017.
 - The development proposed is two storey side extension to the side of the existing property, consisting of kitchen/diner, 2 bedrooms, en suite and family bathroom.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and the surrounding area.

Reasons

3. The appeal property comprises one of a pair of semi-detached houses located on a prominent corner plot. The surrounding area is predominantly residential. Ambleside Gardens is characterised by two storey red brick and rendered semi-detached houses set back from the street with hipped roofs and two storey bay windows to the front.
4. The Council's Household Alterations and Extensions Supplementary Planning Document 2011 (SPD) requires any extension to the side of a property to be designed to maintain the character of the existing property and the street scene. The guidance indicates that this can usually be achieved by ensuring side extensions are no more than 50% of the overall width of the original dwelling, have a ridgeline lower than that of the host property and a front wall set back by not less than 1 metre from that of the original building so that the extension remains subordinate.
5. The proposed side extension would measure approximately 4 metres in width, considerably more than 50% of the width of the existing dwelling. The extension would be flush with the existing front elevation and there would be no set down in the ridgeline. The scale and mass of the extension are such that the extension would result in a dominant and incongruous development that would not be subservient or sympathetic to the size and scale of the existing dwelling. Its prominent corner position would exacerbate the

proposals incongruity which would be clearly visible from both the front and rear of the property. Furthermore, the increase in mass and form of the extension would harm the balance and symmetry of this pair of semi-detached dwellings to the detriment of the street scene.

6. I note that there were no objections received from neighbouring residents. However, this does not negate the harm that I have found in relation to character and appearance. The appellant has drawn my attention to a similar extension at 80 Ambleside Gardens. Whilst I note the parallels in design, from my observations on site, the two plots are not directly comparable in terms of their context and I note that the extension pre-dates the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (2015) (CS) and the SPD which limits the weight that can be attached. In any case, each application and appeal must be assessed on their own merits.
7. I therefore conclude that the proposal would materially harm the character and appearance of the host property and surrounding area thereby conflicting with Policy CS15 of the CS and Policy ENV3 of the saved policies of the Gateshead Unitary Development Plan (2010) and guidance within the SPD. These seek to ensure that new development is of a high standard of design, responds positively to the established local distinctiveness and character, and which maintains the character of the existing property and street scene.

Conclusion

8. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/14/01160/FUL	Land At Wellington Road Cross Lane Gateshead	Erection of a car supermarket consisting of a concourse building with an adjoining workshop and associated vehicle storage, vehicle display and car parking areas (additional info received 07/01/15 and 30/05/16 and amended plans received 15/01/15, 30/05/16 and 01/08/16).	Written	Appeal In Progress
DC/16/01162/FUL	30A Broom Lane Whickham NE16 4QP	Erection of three bedroom house with associated off street parking.	Written	Appeal In Progress
DC/16/01159/HHA	15 Ambleside Gardens Sheriff Hill Gateshead	Two storey side extension.	Written	Appeal Dismissed
DC/16/01182/FUL	Land At Ellison Terrace Greenside Ryton NE40 4BL	Construction of three houses with parking area (amended 16/02/17 and 08/03/17 and description amended 14.03.2017).	Written	Appeal In Progress